UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,785	11/20/2001	Tsuneyuki Kikuchi	070639-0136	9130

22428 7590 01/26/2005	EXAMINER
FOLEY AND LARDNER	BATURAY, ALICIA
SUITE 500	

ART UNIT	PAPER NUMBER
2155	

3000 K STREET NW
WASHINGTON, DC   20007

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/988,785	KIKUCHI, TSUNEYUKI
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☒ Claim(s) <u>9, 21, 31, and 41</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. <u>09/988,785</u>.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01182005</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1. Claims 1-45 are pending.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "the," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: Applicant recites "...an allowable traffic allowable..." in paragraphs 15, 26, 36, and 46. It is suggested that Applicant delete the second recitation of "allowable" in this phrase. Appropriate correction is required.

Claim Objections

4. Claims 9, 21, 31, and 41 are objected to because of the following informalities: they recite "...an allowable traffic allowable..." It is suggested that Applicant delete the second recitation of "allowable" in this phrase. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14 recites the limitation "the memory" in page 45, line 5. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 17-23, and 25 recite the limitation "the memory." There is insufficient antecedent basis for the limitation in these claims.

8. Claim 26 recites the limitation "the user identifier" in page 49, line 24 There is insufficient antecedent basis for this limitation in the claim.

9. Claim 39 recites the limitation "the application server" in page 55, line 8. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 41 recites the limitation "the traffic" in page 55, line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 3-8, 11, 13, 14, 16-20, 23, 25, 26-30, 33, 35, 36-40, 43, and 45 are rejected under

35 U.S.C. 102(e) as being anticipated by Tanimoto et al. (U.S. 6,075,776).

13. As to claim 1, Tanimoto discloses a communications system comprising: a server (Tanimoto,

Fig. 1, element 700; col. 3, lines 63-65); a client terminal (Tanimoto, Fig. 1, element 101;

col. 3, lines 48-55); and a communications network which interconnects the server and the

client terminal (Tanimoto, Fig. 1, element 40; col. 3, lines 48-55, 63-65); the client terminal

including means connected to the server, the means establishing communications with the

server (Tanimoto, col. 3, lines 48-55); the server including: a memory for storing information

about disconnection condition regarding disconnection (Tanimoto, col. 5, lines 3-11);

decision means for monitoring a connection state between the client terminal and the server

and deciding whether or not the connection corresponds to the disconnection condition; and

disconnection means for disconnecting the client terminal when it is decided that the

connection corresponds to the disconnection condition (Tanimoto, col. 6, lines 55-67).

14. As to claim 3, Tanimoto discloses a communications system comprising: a server (Tanimoto,

Fig. 1, element 700; col. 3, lines 63-65); a client terminal (Tanimoto, Fig. 1, element 101;

col. 3, lines 48-55); and a communications network which interconnects the server and the

client terminal (Tanimoto, Fig. 1, element 40; col. 3, lines 48-55, 63-65); the client terminal

including means for transmitting a user identifier to issue a log-in request to the server

(Tanimoto, col. 5, lines 28-39); the server including: means for logging in to the client

terminal in response to a log-in request from the client terminal (Tanimoto, col. 5, lines 40-

44); a memory for storing disconnection condition regarding disconnection in conjunction

with the user identifier; retrieval means for retrieving the stored disconnection condition

based on a user identifier transmitted from the client terminal; and disconnection means for

monitoring a connection state between the client terminal and the server and disconnecting

the client terminal when the connection corresponds to the disconnection condition

(Tanimoto, col. 6, lines 55-67).

15. As to claim 4, Tanimoto discloses the invention substantially including the communications

system where the disconnection means further comprising: decision means for monitoring a

connection state between the client terminal and the server and deciding whether or not the

connection corresponds to the disconnection condition; and disconnection means for

disconnecting the client terminal when the connection corresponds to the disconnection

condition (Tanimoto, col. 6, lines 55-67).

16. As to claims 5, 17, 27, and 37, Tanimoto discloses the invention substantially including the communications system where the memory stores a time period between logging-in and disconnection by a service user, in conjunction with a user identifier; and where the disconnection means comprises ·means for performing disconnection when a time period elapsed from a log-in operation to the server from the client terminal exceeds a time period stored in the memory (Tanimoto, col. 6, lines 55-67).

17. As to claims 6, 18, 28, and 38, Tanimoto discloses the invention substantially including the communications system where the memory stores a non-communication time period for which data is not transmitted or received in conjunction with a user identifier; and where the disconnection means comprises means for performing disconnection when a non-communication time period of a client terminal exceeds the non-communication time period stored in the memory (Tanimoto, col. 6, lines 55-67).

18. As to claims 7, 19, 29, and 39, Tanimoto discloses the invention substantially including the communications system where the server is connected to an application server which stores an application supplied to a client terminal (Tanimoto, col. 5, lines 3-11); and where the non-communication time period is a time period for which a packet is not communicated between a client terminal and an application server; and where the disconnection means comprises means for monitoring an arrival time of a packet being a group of the same transmission destination address and the same reception destination address and performing disconnection

when a time period elapsed from the arrival time exceeds a non-communication time period stored in the memory (Tanimoto, col. 6, lines 55-67).

19. As to claims 8, 20, 30, and 40, Tanimoto discloses the invention substantially including the communications system where the memory stores an allowable simultaneous jointer count which can be simultaneously connected to an access point or server, in conjunction with a user identifier; and where the disconnection means comprises means for performing disconnection when the number of jointers connected to an access point or server exceeds the allowable simultaneous jointer count stored in the memory (Tanimoto, col. 6, lines 55-67).

20. As to claims 11, 23, 33, and 43, Tanimoto discloses the invention substantially including the communications system where the server is connected to an application server which stores an application supplied from a client terminal (Tanimoto, col. 5, lines 3-11); and where the memory stores an address of the application server and a timeout time, in conjunction with a service identifier; and where the disconnection means comprises means for monitoring an arrival time of a packet stored in the memory, the packet being a group of an address and a service identifier, and performing disconnection immediately before elapsing a timeout time from the arrival time, the timeout time being stored in the memory in conjunction with a service identifier, the memory belonging to a group of a matching address and a matching service identifier and with the timing a packet matching a group of an address and a service identifier is not received from an opposite party (Tanimoto, col. 6, lines 55-67).

21. As to claims 13, 25, 35, and 45, Tanimoto discloses the invention substantially including the

communications system where the memory stores a line disconnecting order in conjunction

with a user identifier; and where the disconnection means is means for performing

disconnection in accordance with the order stored in the memory (Tanimoto, col. 7, lines 1-

11).

22. As to claim 14, Tanimoto discloses a communications method suitable for a communications

system, the communications system comprising a server (Tanimoto, Fig. 1, element 700; col.

3, lines 63-65), a client terminal (Tanimoto, Fig. 1, element 101; col. 3, lines 48-55); and a

communications network which interconnects the server and the client terminal (Tanimoto,

Fig. 1, element 40; col. 3, lines 48-55, 63-65), the client terminal performing the steps of:

connecting the client terminal to the server and establishing communications (Tanimoto, col.

3, lines 48-55); monitoring a connection state between the client terminal and the server;

deciding whether or not the connection corresponds to a disconnection condition, the

disconnection condition regarding that connection stored in the memory is broken; and

disconnecting the client terminal when it is decided that the connection corresponds to the

disconnection condition (Tanimoto, col. 6, lines 55-67).

23. As to claim 16, Tanimoto discloses a communications method suitable for a communications

system, the communications system comprising a server (Tanimoto, Fig. 1, element 700; col.

3, lines 63-65), a client terminal (Tanimoto, Fig. 1, element 101; col. 3, lines 48-55), and a

communications network which interconnects the server and the client terminal (Tanimoto,

Fig. 1, element 40; col. 3, lines 48-55, 63-65); the client terminal performing the step of:

transmitting a user identifier to issue a log-in request to the server (Tanimoto, col. 5, lines 28-

39); the server performing the steps of: logging in to the client terminal in response to a log-

in request from the client terminal (Tanimoto, col. 5, lines 40-44); retrieving, based on a user

identifier transmitted from the client terminal, a disconnection condition stored in

conjunction to the user identifier; and monitoring a connection state of the client terminal;

and disconnecting the client terminal when the connection corresponds to the disconnection

condition (Tanimoto, col. 6, lines 55-67).

24. As to claim 26, Tanimoto discloses a server (Tanimoto, Fig. 1, element 700; col. 3, lines 63-

65), which links to a client terminal (Tanimoto, Fig. 1, element 101; col. 3, lines 48-55)

based on a disconnection condition regarding disconnection of communications established

between the server and a service user, the server comprising: means for logging in to the

client terminal in response to a log-in request from the client terminal (Tanimoto, col. 5, lines

40-44); a memory for storing disconnection condition regarding disconnection in conjunction

with the user identifier; retrieval means for retrieving the stored disconnection condition

based on a user identifier transmitted from the client terminal; and disconnection means for

monitoring a connection state between the client terminal and the server and disconnecting

the client terminal when the connection corresponds to the disconnection condition

(Tanimoto, col. 6, lines 55-67).

25. As to claim 36, Tanimoto discloses a recording medium in which a process program is stored, the process program controllably linking a server to a client terminal based on a disconnection condition regarding disconnection of communications established between the server and a service user, the process program comprising the steps of: logging in to the client terminal in response to a log-in request from the client terminal (Tanimoto, col. 5, lines 40-44); retrieving, based on a user identifier transmitted from the client terminal, a disconnection condition stored in conjunction to the user identifier; monitoring a connection state between the client terminal and the server; and disconnecting the client terminal when the connection corresponds to the disconnection condition (Tanimoto, col. 6, lines 55-67).

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

27. Claims 2, 12, 15, 24, 34, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanimoto and further in view of Rao (U.S. 6,789,118).

28. Tanimoto discloses a communication system, where the disconnection means comprises means for disconnecting a client terminal (Tanimoto, col. 6, lines 55-67). But Tanimoto does

not expressly disclose means for disconnecting the client terminal logged in for the longest time. However, Rao does teach the disconnection means comprises means for disconnecting a client terminal logged in at an earliest time when two or more client terminals have the same disconnection condition (Rao, col. 16, lines 49-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanimoto with Rao in order to accommodate the increase in the number and the variety of network traffic with efficiency (Rao, col. 2, lines 1-4).

29. Claims 9, 10, 21, 22, 31, 32, 41, and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanimoto and further in view of McNamara (U.S. 6,262,976).

30. As to claims 9, 21, 31, and 41, Tanimoto discloses the communications system and a memory storing a user identifier along with a certain condition (Tanimoto, col. 6, lines 55-67). But Tanimoto does not expressly disclose storing an upper bound of allowable traffic within a time period. However, McNamara does teach the communications system where the memory stores an allowable traffic in a predetermined period of time, in conjunction with a user identifier; and where the disconnection means comprises means for performing disconnection when the traffic exceeds an allowable traffic stored in the memory (McNamara, col. 36, lines 42-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanimoto with McNamara in order to

increase the scalability of networks without adding congestion to any one link (McNamara,

col. 6, lines 3-6).

31. As to claims 10, 22, 32, and 42, the combination of Tanimoto and McNamara discloses the

invention substantially including the communications system where the memory stores a

specific volume of data selected from the group of a transmission packet size, a reception

packet size, a transmission packet count, and a reception packet count, in conjunction with a

user identifier; and where the disconnection means comprises means for performing

disconnection when a data volume of a packet being a group of the same

transmission/reception destination address exceeds the specific volume (McNamara, col. 36,

lines 42-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BHARAT BAROT
PRIMARY EXAMINER

AB